

From: [Stephen McKay](#)
To: [Don Cole](#); [Robin Proebsting](#)
Subject: Re: Continuing Saga of Barcelo Ignoring and Flaunting City Mandates
Date: Monday, October 12, 2020 4:08:58 PM
Attachments: [Video.mov](#)

Don,

The video is attached - please confirm receipt given its size.

Also, can you confirm whether or not revocation of its business license is something Mercer Island is considering with respect to Barcelo? There doesn't appear to be any moratorium tool in the City's toolbelt - but I am guessing revocation of the business license is tantamount to the same thing?

Thanks,

Stephen

On Mon, Oct 12, 2020 at 3:28 PM Don Cole <Don.Cole@mercergov.org> wrote:

Hello Stephen,

I did not receive the referenced video. Can you please forward the video directly to me?
Thank you (in advance).

Regarding your questions about the code enforcement process, MI city council recently approved substantial revisions to the city's code enforcement regulations that provide additional tools to gain code compliance and discourage repeat violations. Here is a link to the applicable enforcement regulations, which you will see include various provisions to address your expressed concerns - <https://mercerisland.municipal.codes/MICC/6.10>. This ordinance describes the process and timelines too.

In this case, the contractor was contacted about their continued violation of the stop work order and has stopped work. The city is in the process of issuing a notice of violation (NOV) to gain compliance, assess penalties, initiate enforcement actions and is considering the full range of penalties and actions available. The contractor will have 14-days to appeal the NOV.

Please let me know if I can be of further assistance.

Don Cole

Building Official

City of Mercer Island - Community Planning & Development

206.275.7701 | mercerisland.gov/cpd | mybuildingpermit.com

Due to the COVID-19 outbreak, Community Planning and Development has modified our operations. City Hall and the Permit Center are closed to the public. There is no “walk in” permit service; staff are working remotely and services are being continued via remote operations. More information is available on the City’s website: mercerisland.gov/cpd. Please contact us by phone for general customer support at 206-275-7626.

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)

From: Stephen McKay <ssmckay12@gmail.com>

Sent: Monday, October 12, 2020 12:26 PM

To: Don Cole <Don.Cole@mercergov.org>

Cc: Robin Proebsting <robin.proebsting@mercergov.org>; Forrest Sipiora <fsipiora@gmail.com>; Colleen Petersen <eatwise@att.net>; Peter Hutt <peterhutt@yahoo.com>; Don Sandstrom <don.sandstrom@mailaps.org>; Stuart Denman <stuart.denman@gmail.com>; Alison Van Gorp <alison.vangorp@mercergov.org>

Subject: Re: Continuing Saga of Barcelo Ignoring and Flaunting City Mandates

Don,

I appreciate hearing the below update. Please let me know if you received the video of the Barcelo employee dumping on the property on Friday after removing the stop work order sign and after being informed by multiple neighbors that no work - including dumping - could take place on the site. This would have been sent to your team by Officer Rutter, and would be with regards to incident 2020-7958.

I'd like to ask what is necessary for the City to consider a moratorium on issuing permits to Barcelo or its affiliates, if not a knowing and intentional violation of stop work orders (after repeated knowing and intentional violations of City Code requirements). Fines in the face of large expected profits from jamming three houses onto the lots clearly don't really mean anything to Barcelo. As the neighbors affected by dumping who knows what onto this lot, we're more than a little concerned that anything short of a moratorium isn't going to move the needle whatsoever with Barcelo. When we initially met, you mentioned that they'd been fined some tens of thousand of dollars for illegally removing a significant tree off a lot being developed elsewhere on the island. Very clearly, there is no economic incentive for Barcelo to comply with the City's Code requirements when they can reap larger profits from developing houses however they see fit. Removing trees is one thing, and plenty repugnant, however dumping fill and other potentially hazardous materials onto a site with a watercourse likely to transport those materials onto adjacent lots is frankly unacceptable.

If the City isn't considering the implementation of a moratorium against Barcelo and its affiliates, based on an extremely clear history of having zero concern for the City's building codes, I would like to know why. I understand that given this is an open investigation, there's some information that can't be shared with the interested neighbors, however, the full range of potential penalties that the City is considering ought to be something that can be shared. Likewise, if you can share a more specific timeline of expected outcomes, that would also be appreciated (time to conclusion of initial investigation and initial penalty(ies), time for Barcelo to appeal, etc).

Thank you for your attention to this and to listening to our concerns.

-Stephen McKay

On Mon, Oct 12, 2020 at 10:41 AM Don Cole <Don.Cole@mercergov.org> wrote:

Hello Forrest and neighbors,

Thank you for your information last week. As you are aware, based on your information the city issued a stop work order and created a code enforcement case. As this is an active code enforcement case still under investigation, there are certain elements of the

investigation that should not be discussed at this time. The city takes this matter very seriously and will issue a notice of violation including penalties for each separate violation as allowed by law. The continuance of work in violation of a stop work order and the removal of a stop work order are each separate violations of city ordinance, which will substantially increase penalties.

Please be patient as the code enforcement process is followed, which may include steps such as an appeal, etc.

Thanks again for your information.

Please let me know if I can be of further assistance.

Don Cole
Building Official
City of Mercer Island - Community Planning & Development
206.275.7701 | mercerisland.gov/cpd | mybuildingpermit.com

Due to the COVID-19 outbreak, Community Planning and Development has modified our operations. City Hall and the Permit Center are closed to the public. There is no “walk in” permit service; staff are working remotely and services are being continued via remote operations. More information is available on the City’s website: mercerisland.gov/cpd. Please contact us by phone for general customer support at 206-275-7626.

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)

-----Original Message-----

From: Robin Proebsting <robin.proebsting@mercergov.org>
Sent: Monday, October 12, 2020 9:51 AM
To: Forrest Sipiora <fsipiora@gmail.com>
Cc: Colleen Petersen <eatwise@att.net>; Peter Hutt <peterhutt@yahoo.com>; Don Sandstrom <don.sandstrom@mailaps.org>; Stephen McKay <ssmckay12@gmail.com>; Stuart Denman <stuart.denman@gmail.com>
Subject: RE: Continuing Saga of Barcelo Ignoring and Flaunting City Mandates

Greetings Forrest,

Thank you for your email. I have reached out to the staff working on this issue; please expect an email response from the City's Building Official, Don Cole, who is assisting the Code Compliance Officer with the response to this stop work order.

Best regards,
Robin

Robin Proebsting

Senior Planner
City of Mercer Island – Community Planning and Development
206-275-7717 | mercerisland.gov/cpd

Due to the COVID-19 outbreak, Community Planning and Development has modified our operations. City Hall and the Permit Center are closed to the public. There is no “walk in” permit service; staff are working remotely and services are being continued via remote operations. More information is available on the City’s website: mercerisland.gov/cpd. Please contact us by phone for general customer support at 206-275-7626.

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)

-----Original Message-----

From: Forrest Sipiora <fsipiora@gmail.com>
Sent: Sunday, October 11, 2020 10:43 AM
To: Robin Proebsting <robin.proebsting@mercergov.org>
Cc: Colleen Petersen <eatwise@att.net>; Peter Hutt <peterhutt@yahoo.com>; Don Sandstrom <don.sandstrom@mailaps.org>; Stephen McKay <ssmckay12@gmail.com>; Stuart Denman <stuart.denman@gmail.com>
Subject: Continuing Saga of Barcelo Ignoring and Flaunting City Mandates

Dear Robin,

As you will recall, when notified of Barcelo’s continuing to dump dirt and construction debris on the property at 7216 93rd SE, you notified us that no permits had been issued regarding this activity. You alerted the Code Enforcement Officer and a stop work order on this site was issued. On the afternoon of Friday, October 9th. Barcelo came by with yet another load to dump on the property. When notified of the stop work order, Barcelo removed the stop work order and proceeded to dump debris in clear violation of the stop work order. A concerned neighbor, Steven McKay, notified the MIPD and forwarded a video copy of this activity to the police department. The police department told Steve McKay that they would forward this video to the city.

Questions:

Is this blatant flaunting of city mandates considered appropriate behavior for developers?
If not, are there any consequences to this activity?
And if so, what are they?

Best regards,
Forrest Sipiora

Sent from my iPad